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10/739,437	12/18/2003	Randolph Michael Forlenza	AUS920030923US1	9294

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EXAMINER

LOFTIN, CELESTE

ART UNIT PAPER NUMBER

2686

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/739,437	Applicant(s) FORLENZA ET AL.	
	Examiner Celeste L. Loftin	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 25 and 26 contains the limitation of a communication device [capable of obtaining instant system status information], however obtaining **instant** system status information is not mentioned in the specification.

The claims 26 and 25 have not been examined based on the merit.

Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 20 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Yu, **U.S. Publication (10,646,151)**.

Regarding claim 20, Yu discloses a method for selecting a telephone number comprising:

displaying a telephone directory with a plurality of directory entries (reads on the controller commands the display module to display a list of telephone number previously registered) (**paragraph [0035]**);

selecting a first directory entry from said plurality of directory entries (reads on the controller recognizes a telephone number selected by the user) (**paragraph [0035]**);

associating a first vibration pattern with said first directory entry (reads on the controller recognizes a vibration patter selected by the user) (**paragraph [0035]**); and storing said first vibration pattern in association with said first directory entry (reads on the controller sets or maps the vibration patter selected in the and the telephone number selected) (**paragraph [0035]**).

Regarding claim 21, Yu discloses the method as set forth in claim 20 and further including:

producing said first vibration pattern in response to a selection of said first directory entry (if a caller's telephone number matches a telephone number mapped to a particular vibration pattern the controller controls the vibrator so that the vibrator can generate vibrations based on the particular pattern) (**paragraph [0039]**).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-4, 6-13, 15-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro II (Mauro), **U.S. Publication 10,319,239** in view of Aoki et al. (Aoki), **U.S. Publication (10,105,940)**.

Regarding claim 1, Mauro discloses a method for using tactile capabilities to communicate information from a first party using a first communication device (i.e. initiating WCD) to a second party using a second communication device (i.e. destination WCD), said method comprising **(paragraph [0027])**:

establishing a telecommunication connection between said first communication device and said second communication device (reads on the signal is routed through the infrastructure and a signal is transmitted on the forward link to the destination WCD) **(paragraph [0027])**;

providing input means by which said first party is enabled to selectively enter selected input to (reads on the initiation may be started by a user of the initiating device pressing a dedicated button or a predetermined button on a cell phone key pad) **(paragraph [0034])** said first communication device after said establishing of said telecommunication connection (the initiating WCD transmits a message to the destination WCD, the destination WCD examines the message and transmits its response to the initiating WCD, after the establishing this communication initially, the initiating WCD transmits a regenerated message back to the destination WCD) **(paragraphs [0037] – [0040])**;

transmitting information signals representative of said selected input from said first communication device to said second communication device (reads on if the signal

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transmitted from an initiating WCD is intended to be received by the destination WCD) **(paragraph [0027]);**

receiving said information signals by said second communication device (reads on if the signal transmitted from an initiating WCD is intended to be received by the destination WCD) **(paragraph [0027]).**

Mauro fails to disclose enabling said second communication device to commence a vibration of said second communication device in response to said received information signals.

In a similar field of endeavor, Aoki discloses enabling said second communication device to commence a vibration of said second communication device in response to said received information signals (reads on when the mobile communication device apparatus receives a text message including a character string the mobile communication carries out the operation to vibrate for an amount of time) **(paragraph [0041]).**

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Mauro to include enabling said second communication device to commence a vibration of said second communication device in response to said received information signals. Motivation for this modification would have been to provide hearing-impaired individuals with a way of communicating using vibrations.

Regarding claim 2, Mauro and Aoki disclose the method as set forth in claim 1. Aoki further discloses wherein said vibration comprises one of a plurality of predetermined vibration patterns, said predetermined vibration patterns (could be a

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predetermined intervals such as (10 seconds, 3 seconds, etc.)) being related to corresponding predetermined messages (the mobile communication apparatus carries out the operation related to the received character string, the operation could be a vibration pattern) **(paragraphs [0035] and [0037])**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Mauro to include wherein said vibration comprises one of a plurality of predetermined vibration patterns, said predetermined vibration patterns being related to corresponding predetermined messages. Motivation for this modification would have been to provide hearing-impaired individuals with a way of communicating using vibration patterns.

Regarding claim 3, Mauro and Aoki disclose the method as set forth in claim 1. Mauro further discloses wherein said input means comprises a non-verbal input means (reads on the initiation may be started by a user of initiating device pressing a dedicated button) **(paragraph [0034])**.

Regarding claim 4, Mauro and Aoki disclose the method as set forth in claim 3. Mauro further discloses wherein said non-verbal input means comprises a keypad input device (reads on the user interface may include a keypad) **(paragraph [0053])**.

Regarding claim 6, Mauro and Aoki disclose the method as set forth in claim 1. Mauro further discloses wherein at least one of said first and second communication devices comprises a wireless communication device (reads on the communication system includes multiple wireless communication devices (WCD)) **(paragraph [0025])**.

Regarding claim 7, Mauro and Aoki disclose the method as set forth in claim 6.

Mauro further discloses wherein said one of said first and second communication devices comprises a cell phone (reads on examples of WCD include cellular telephones) **(paragraph [01028])**.

Regarding claim 8, Mauro and Aoki disclose the method as set forth in claim 6.

Mauro further discloses wherein said one of said first and second communication devices comprises a personal digital assistant device (reads on examples of WCD include cellular telephones, wireless communication enabled personal computers and PDA and other wireless devices) **(paragraph [01028])**.

Regarding claim 9, Mauro and Aoki disclose the method as set forth in claim 1.

Aoki further discloses wherein said selected input is presented on a display screen of said first communication device (reads on when the mobile communication apparatus receives a text message including the character string the mobile communication apparatus carries out the operation to display a picture) **(paragraph [0039])**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Mauro to include wherein said selected input is presented on a display screen of said first communication device. Motivation for this modification is to allow user to immediately understand the content of the message without hearing it.

Regarding claim 10, Mauro disclose a storage medium (i.e. exemplary storage medium) **(paragraph [0057])** including machine readable coded indicia (software module may reside in RAM memory or any other form of storage medium) **(paragraph [0057])**, said storage medium being selectively coupled to a reading device (reads on

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an exemplary storage medium is coupled to a processor) (**paragraph [0057]**), said reading device being selectively coupled to processing circuitry within a communication device (reads on such that the processor may read information from and write information to) (**paragraph [0057]**), said reading device being selectively operable to read said machine readable coded indicia and provide program signals representative thereof (the memory is connected to the processor and it can store program code and data during operation of the WCD) (**paragraph [0051]**), said program signals being selectively operable for:

establishing a telecommunication connection between said first communication device and said second communication device (reads on the signal is routed through the infrastructure and a signal is transmitted on the forward link to the destination WCD) (**paragraph [0027]**);

providing input means by which said first party is enabled to selectively enter selected input to said first communication device (reads on the initiation may be started by a user of the initiating device pressing a dedicated button or a predetermined button on a cell phone key pad) (**paragraph [0034]**) after said establishing of said telecommunication connection (the initiating WCD transmits a message to the destination WCD, the destination WCD examines the message and transmits its response to the initiating WCD, after the establishing this communication initially, the initiating WCD transmits a regenerated messaged back to the destination WCD) (**paragraphs [0037] – [0040]**);;

transmitting information signals representative of said selected input from said first communication device to said second communication device (reads on if the signal transmitted from an initiating WCD is intended to be received by the destination WCD) **(paragraph [0027])**;

receiving said information signals by said second communication device (reads on if the signal transmitted from an initiating WCD is intended to be received by the destination WCD) **(paragraph [0027])**.

Mauro fails to disclose said program signals being selectively operable for using tactile capabilities to communicate information from a first party using a first communication device to a second party using a second communication device and enabling said second communication device to commence a vibration of said second communication device in response to said received information signals.

In a similar field of endeavor, Aoki discloses said program signals being selectively operable for using tactile capabilities to communicate information from a first party using a first communication device to a second party using a second communication device (when the mobile communication device apparatus receives a text message including a character string the mobile communication carries out the operation to vibrate or flash LED's) **(paragraph [0041] and [0037])** and enabling said second communication device to commence a vibration of said second communication device in response to said received information signals (when the mobile communication device apparatus receives a text message including a character string

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the mobile communication carries out the operation to vibrate for an amount of time) **(paragraph [0041])**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Mauro to include said program signals being selectively operable for using tactile capabilities to communicate information from a first party using a first communication device to a second party using a second communication device and enabling said second communication device to commence a vibration of said second communication device in response to said received information signals. Motivation for this modification would have been to provide hearing-impaired individuals with a way of communicating using vibrations.

Regarding claim 11, Mauro and Aoki disclose the method as set forth in claim 1. Aoki further discloses wherein said vibration comprises one of a plurality of predetermined vibration patterns, said predetermined vibration patterns being related to corresponding predetermined messages (the mobile communication apparatus carries out the operation related to the received character string, the operation could be a vibration) **(paragraphs [0035] and [0037])**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Mauro to include wherein said vibration comprises one of a plurality of predetermined vibration patterns, said predetermined vibration patterns being related to corresponding predetermined messages. Motivation for this modification would have been to provide hearing-impaired individuals with a means of communicating using vibrations..

Regarding claim 12, Mauro and Aoki disclose the method as set forth in claim 1. Mauro further discloses wherein said input means comprises a non-verbal input means (reads on the initiation may be started by a user of initiating device pressing a dedicated button) (**paragraph [0034]**).

Regarding claim 13, Mauro and Aoki disclose the method as set forth in claim 3. Mauro further discloses wherein said non-verbal input means comprises a keypad input device (reads on the user interface may include a keypad) (**paragraph [0053]**).

Regarding claim 15, Mauro and Aoki disclose the method as set forth in claim 1. Mauro further discloses wherein at least one of said first and second communication devices comprises a wireless communication device (reads on the communication system includes multiple wireless communication devices (WCD)) (**paragraph [0025]**).

Regarding claim 16, Mauro and Aoki disclose the method as set forth in claim 6. Mauro further discloses wherein said one of said first and second communication devices comprises a cell phone (reads on examples of WCD include cellular telephones) (**paragraph [01028]**).

Regarding claim 17, Mauro and Aoki disclose the method as set forth in claim 6. Mauro further discloses wherein said one of said first and second communication devices comprises a personal digital assistant device (reads on examples of WCD include cellular telephones, wireless communication enabled personal computers and PDA and other wireless devices) (**paragraph [01028]**).

Regarding claim 18, Mauro and Aoki disclose the method as set forth in claim 1. Aoki further discloses wherein said selected input is presented on a display screen of

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said first communication device (reads on when the mobile communication apparatus receives a text message including the character string the mobile communication apparatus carries out the operation to display a picture) (**paragraph [0039]**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Mauro to include wherein said selected input is presented on a display screen of said first communication device. Motivation for this modification is to allow user to immediately understand the content of the message without hearing it.

Regarding claim 19, Mauro discloses a first communication device enabled to use tactile means of a second communication device to communicate information from a first party using said first communication device to a second party using said second communication device, said first communication device comprising:

a system bus (it is inherent that a system bus is used to connect the CPU, memory, display and input means);

a CPU device connected to said system bus (i.e. processor) (**paragraph [0048]**);

memory means connected to said system bus (i.e. memory device) (**paragraph [0048]**);

input means coupled to said system bus (i.e. user interface) (**paragraph [0048]**), said first communication device being selectively operable for establishing a telecommunication connection between said first communication device and said second communication device (reads on the signal is routed through the infrastructure and a signal is transmitted on the forward link to the destination WCD) (**paragraph [0027]**), said input means being arranged to enable said first party to selectively enter

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selected input to said first communication device after said establishing of said telecommunication connection (reads on the initiation may be started by a user of the initiating device pressing a dedicated button or a predetermined button on a cell phone key pad) **(paragraph [0034])**, said first communication device being further operable for transmitting information signals representative of said selected input from said first communication device to said second communication device (reads on if the signal transmitted from an initiating WCD is intended to be received by the destination WCD) **(paragraph [0027])**.

Mauro fails to disclose a display device connected to said system bus; and said information signals being operable at said second communication device for commencing a vibration of said second communication device in response to said received information signals.

In a similar field of endeavor, Aoki discloses a display device connected to said system bus (reads on a control unit is coupled to a LCD or other display device) **(paragraph [0028])**; and said information signals being operable at said second communication device for commencing a vibration of said second communication device in response to said received information signals (when the mobile communication device apparatus receives a text message including a character string the mobile communication carries out the operation to vibrate or flash LED's) **(paragraph [0041] and [0037])**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Mauro to include a display device connected to said system bus;

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and said information signals being operable at said second communication device for commencing a vibration of said second communication device in response to said received information signals. Motivation for this modification would have been to provide hearing-impaired individuals with a means of communicating using vibrations.

Regarding claim 22, Mauro discloses a method for effecting a vibratory response at a second communication device in response to input to a first communication device, said method comprising:

establishing a telecommunication connection between said first communication device and said second communication devices (reads on the signal is routed through the infrastructure and a signal is transmitted on the forward link to the destination WCD) **(paragraph [0027]);**

providing input means by which selected input is applied at said first communication device (reads on the initiation may be started by a user of the initiating device pressing a dedicated button or a predetermined button on a cell phone key pad) **(paragraph [0034])** after said establishing of said telecommunication connection (the initiating WCD transmits a message to the destination WCD, the destination WCD examines the message and transmits its response to the initiating WCD, after the establishing this communication initially, the initiating WCD transmits a regenerated messaged back to the destination WCD) **(paragraphs [0037] – [0040]);**.

Mauro fails to disclose enabling said second communication device to commence a vibration of said second communication device in response to said selected input.

In a similar field of endeavor, Aoki discloses enabling said second communication device to commence a vibration of said second communication device in response to said selected input (reads on when the mobile communication device apparatus receives a text message including a character string the mobile communication carries out the operation to vibrate for an amount of time) (**paragraph [0041]**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Mauro to include enabling said second communication device to commence a vibration of said second communication device in response to said selected input. Motivation for this modification would have been to provide hearing-impaired individuals with a means of communicating using vibrations.

6. Claim 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro II (Mauro), **U.S. Publication 10,319,239** in view of Aoki et al. (Aoki), **U.S. Publication (10,105,940)** in further view of Higuchi et al. (Higuchi) **U.S. Patent (6,823,182)**.

Regarding claim 5, Mauro and Aoki disclose the method as set forth in claim 1. Aoki further discloses whereby voice input to said first communication device effects a corresponding vibration of said second communication device (reads on when the mobile communication device apparatus receives a text message including a character string the mobile communication carries out the operation to vibrate for an amount of time) (**paragraph [0041]**).

The combination fails to disclose wherein said input means comprises a voice recognition means.

In a similar field of endeavor, Higuchi discloses wherein said input means comprises a voice recognition means (reads on a voice recognition function) (**col. 8 line 10**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein said input means comprises a voice recognition means. Motivation for this modification is to users to transmit a message to a calling or called party on the basis of a detected voice pattern (Higuchi, col. 2 lines 36-38).

Regarding claim 14, Mauro and Aoki disclose the method as set forth in claim 10. Aoki further discloses whereby voice input to said first communication device effects a corresponding vibration of said second communication device (reads on when the mobile communication device apparatus receives a text message including a character string the mobile communication carries out the operation to vibrate for an amount of time) (**paragraph [0041]**).

The combination fails to disclose wherein said input means comprises a voice recognition means.

In a similar field of endeavor, Higuchi discloses wherein said input means comprises a voice recognition means (reads on a voice recognition function) (**col. 8 line 10**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein said input means comprises a voice recognition means. Motivation for this modification is to users to transmit a message to a calling or called party on the basis of a detected voice pattern (Higuchi, col. 2 lines 36-38).

7. Claim 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro II (Mauro), **U.S. Publication 10,319,239** in view of Aoki et al. (Aoki), **U.S. Publication (10,105,940)** in further view of Tomimori, **U.S. Patent (06,456,841)**.

Regarding claim 23, Mauro and Aoki disclose the method as set forth in claim 22 but fail to disclose wherein said first communication device is an answering machine.

In a similar field of endeavor, Tomimori discloses wherein said first communication device is an answering machine (i.e. controller, it carries out an answering machine function) (**col. 4 lines 23-26**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein said first communication device is an answering machine. Motivation for this modification is to allow users to receive a message sent and record it (Tomimori, col. 4 lines 31-33).

Regarding claim 24, Mauro and Aoki disclose the method as set forth in claim 22 but fail to disclose wherein said first communication device includes a voicemail system.

In a similar field of endeavor, Tomimori discloses wherein said first communication device includes a voicemail system (reads on it carries out an answering machine function) (**col. 4 lines 23-26**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination to include wherein said first communication device includes a voicemail system. Motivation for this modification is to allow users to receive a message sent and record it (Tomimori, col. 4 lines31-33).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uno, U.S. 2004/008718 A1, discloses portable telephone set, key operation validity/invalidity notification method for use with the portable telephone set and program for the method.

Tarraf, US 6,351,495 B1, discloses apparatus and method for conveying TTY signals over wireless telecommunication systems.

Lee et al. US 2004/0137944, discloses cellular telephone with text telephone functionality and method thereof

Bright et al. US 6,850,782, discloses wireless device with vibrational communication capabilities.

Aaltonen et al. US 6,885,876, discloses mobile phone featuring modulated vibrotactile module.

Dunko et al. US 2002/0183068 A1, discloses searching method for mobile terminal.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celeste L. Loftin whose telephone number is 571-272-2842. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CL


JOY K. CONTEE
REGISTERED EXAMINER